<u>REMARKS/ARGUMENTS</u>

Upon entry of this Amendment, which amends Claims 12, 25 and 26, Claims 1-27 remain pending in the present application.

In the January 21, 2005 Office Action, Claims 1-3, 7, 9 and 22-25 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Published Patent Application No. 2002/0090939 to Howard (hereinafter referred to as "Howard") in view of U.S. Patent No. 6,363,423 to Chiles et al. (hereinafter referred to as "Chiles et al."). Claims 10, 16 and 17 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Howard in view of U.S. Published Patent Application No.2003/0009687 to Ferchau et al. (hereinafter referred to as "Ferchau et al."). Claims 4-6, 11-14, 18-21, 26 and 27 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Howard in view of Chiles et al. and Ferchau et al. Finally, Claim 15 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Howard in view Ferchau et al., and further in view of U.S. Patent No. 6,134, 593 to Alexander et al. (hereinafter referred to as Alexander et al.).

Applicant respectfully requests reconsideration of the claims in view of the above amendments and the comments below.

35 U.S.C. § 103(a) Claim Rejections – Claims 1-3, 7, 9 and 22-25

On pages 2-6 of the January 21, 2005 Office Action, Claims 1-3, 7, 9 and 22-25 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious Howard in view of Chiles et al. For the following reasons Applicant respectfully disagrees.

Howard discloses a wireless network for transferring data signals throughout a geographical areas without using cellular towers. As indicated in the Office Action, paragraph [0009] on page 1 of Howard discusses how wireless local area networks (WLANs) typically include wireless network interface cards (NICs), which are installed in the various personal digital assistants (PDAs) and laptops seeking connectivity to the WLAN. Other than discussing a wireless NICs and how they can be installed in a PDA or laptop computer, Howard does not have any relevance to the presently claimed invention.

Chiles et al. discloses a method for updating a network adapter card in a computer system to include a media access control (MAC) address. As explained in column 3, lines 37-48 of Chiles et al., the method establishes a connection between the computer system and a remote server. A request is received from the remote server for a serial number assigned to the network adapter card. The serial number of the network adapter card is sent to the remote server. The remote server searches for the MAC address corresponding to the serial number of the network adapter card in a MAC address list. The MAC address is sent to the computer system. The MAC address is stored in the network adapter card.

By contrast, independent Claim 1 of the present application claims a method of "checking a wireless network card for a stored *platform discrimination indication*" and "*depending on the value of the platform discrimination indication*, inhibiting or allowing

data transfer using the wireless network card." These characteristics are neither taught nor suggested by Howard in view of Chiles et al.

Specifically, whether considered alone or in combination, Howard in view of Chiles et al. fails to teach or even suggest "checking a wireless network card for a stored *platform discrimination indication*". Checking whether a MAC address is stored in a network adapter card is not equivalent to checking a wireless network card for a stored "platform discrimination indication". The MAC address provides no information concerning platform discrimination, e.g., whether a wireless network card may be used with a laptop or can only be used with a PDA. The MAC address merely identifies the associated network adapter card; it provides no indication concerning platform discrimination.

Further, Howard in view of Chiles et al. fail to teach or suggest "inhibiting or allowing data transfer using the wireless network card" "depending on the value of the platform discrimination indication." As discussed in the previous paragraph, the MAC address of a network adapter card provides no information concerning the platform capabilities of the card. It also does not have a "value" which determines whether data transfer should be inhibited or allowed. The MAC address is static and does not have a value discriminating platform capabilities. Similarly, despite what is asserted in the Office Action, the serial number associated with the network adapter card in Chiles et al. is static, and does not have discriminating platform capabilities. Indeed, there is

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absolutely no teaching or suggestion in Chiles et al., or any of the other cited references, of configuring a wireless network card for operation with different platforms

Further, despite what is asserted in the Office Action, steps 270 and 320 in Figure 4 of Chiles et al. do not teach or suggest inhibiting data transfer using a wireless network card. Steps 270 and 320 are steps in a method of updating a network adapter card to include a MAC address, via Web browser interface. During the method, the decision block 270 determines whether the serial number entered by a user in a Web page invoked by the browser is present in the system database. If there is no corresponding MAC address in the database, no MAC address is sent back to the network adapter card. Despite what is asserted in the Office Action, a match or no match does not determine whether data transfer using the network adapter card is inhibited or allowed. In other words, data transfer using the network adapter card in Chiles et al. is allowed or inhibited depending on whether a match is determined between the card's serial number and a MAC address.

For at least the foregoing reasons, Applicant respectfully believes that the rejection of independent Claim 1 as being obvious over Howard in view of Chiles et al. cannot be properly maintained.

Claims 2, 3, 7 and 9 were also rejected for allegedly being obvious over Howard in view of Chiles et al. Each of these claims depends from independent Claim 1, and therefore derives patentability for depending from what appears to be an allowable base claim. They are also allowable for the following additional reasons.

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With respect to Claim 3, in particular, Howard in view of Chiles et al. does not teach or suggest a method in which a portable data device "requests an upgrade key value" if the data transfer is inhibited. Despite what is asserted in the Office Action, neither the discussion in column 3, lines 50-59 of Chiles et al. nor step 330 in Figure 4 of Chiles et al. teach or suggest such subject matter. Column 3, lines 50-59 summarizes the Chiles et al. invention of updating a MAC address of a network adapter card. Step 330 in Figure 4 is of a user storing a file that contains the MAC address of the associated network adapter card in the computer system 10. Neither of these references to Chiles et al. even remotely teaches or suggests requesting an "upgrade key value".

With respect to Claim 7, Howard in view of Chiles et al. does not teach or suggest a method wherein a "platform discrimination indicates the value in the wireless network card is modified when transmissions are enabled." Despite the lack of teachings, in the Office Action column 3, lines 61-67 of Chiles et al. are referenced to support the rejection of Claim 7. That portion of Chiles et al. only summarizes the Chiles et al. method of using a search program to determine whether a network adapter card includes a MAC address in non-volatile memory; receiving the MAC address from a remote server; and storing the MAC address in the non-volatile memory using an update program. These steps, whether considered individually or in combination, do not teach or suggest a "platform discrimination indicator" that "indicates [a] value in the wireless network card is modified when transmissions are enabled." Indeed, platform discrimination is not in any way the subject matter of Howard or Chiles et al.

With respect to Claim 9, there is absolutely no teaching or suggestion of a "platform discrimination indication" having a value that "determines whether the wireless network card can be used with...a restricted set of [] portable devices...[or] with an expanded set of portable devices...." As discussed above, neither Howard nor Chiles et al., whether considered alone or in combination, teach or suggest platform discrimination. Further, the reference to column 3, lines 37-48 of Chiles et al. does not support the rejection of Claim 9. That reference only describes how a MAC address of a network adapter card can be retrieved and stored in the network access card.

Independent Claim 22 was also rejected for allegedly being obvious over Howard in view of Chiles et al. For the following reasons Applicant respectfully believes that this rejection of Claim 22 cannot be properly maintained.

Claim 22 claims a wireless network card that includes a "stored platform discrimination indication". As discussed above in responding to the rejection of independent Claim 1, Howard in view of Chiles et al. does not teach or suggest a "stored platform discrimination indication." Despite what is asserted in the Office Action, the MAC address in Chiles et al. is not a platform discrimination indication. Further, Howard in view of Chiles et al. does not teach or suggest a platform discrimination indication having "one value...allowing the wireless network card to be used with a restricted set of portable devices" and "another value...allowing the use of the wireless network card with an expanded set of portable devices." Nothing even remotely is taught or suggested by Howard in view of Chiles et al. Accordingly, the § 103 rejection of

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independent Claim 22, as allegedly being obvious over Howard in view of Chiles et al., cannot be properly maintained.

Claims 23-25 were also rejected for allegedly being obvious over Howard in view of Chiles et al. Each of these claims depends from independent Claim 22, and therefore derive patentability for depending from what appears to be an allowable base claim. They are also allowable for the following additional reasons.

With respect to Claim 23, in particular, Howard in view of Chiles et al. does not teach or suggest a "restricted set of portable devices includes a personal digital assistant but does not include notebook computers." While it is true that Howard discusses how a WLAN can be accessed by PDA and laptops having wireless NICs, there is no teaching or suggestion of a "restricted set of portable devices." Nevertheless, to support the rejection of Claim 23, a general reference is made to Howard, but no specific section of Howard is referred to to support the rejection. Applicant respectfully believes that such subject matter is not disclosed anywhere in Howard.

With respect to Claim 24, Howard in view of Chiles et al. does not teach or suggest an "expanded set of portable devices includes notebook computers." Similar to there being no notion of a "restricted set of portable devices" in any of the cited references, there is no notion of an "expanded set of portable devices" in the cited references. In the Office Action, reference to paragraph [0004] on page 4 of Howard is made to support the rejection of Claim 24. That paragraph describes various digital wireless systems. It has nothing to do with sets of portable devices.

With regard to Claim 25, Howard in view of Chiles et al. does not teach or suggest a wireless network card in which the "platform discrimination indication can be upgraded from the restricted set of portable devices to the unrestricted set." As just discussed in responding to the rejections of Claims 23 and 24, Howard in view of Chiles et al. fails to teach or suggest either "restricted" or "expanded" set of portable devices. Also discussed above was that Howard in view of Chiles et al. fails to teach or suggest storing a "platform discrimination indication". Howard in view of Chiles et al. also fails to teach or suggest *upgrading* a "platform discrimination indication." Despite this, in the Office Action reference to column 3, lines 36-48 of Chiles et al. is made to support the rejection of Claim 25. The referenced portion of Chiles et al. summarizes the method of Chiles et al. of retrieving and storing a MAC address on a network adapter card. Such a method is not an upgrade, let alone an upgrade of a "platform discrimination indication" or an upgrade of a platform discrimination indication from a "restricted set of portable data devices to the expanded set."

35 U.S.C. § 103(a) Claim Rejections – Claims 10, 16 and 17

On pages 6-8 of the Office Action, Claims 10, 16 and 17 were rejected under § 103(a) as allegedly being unpatentable over Howard in view of Ferchau et al. For the following reasons, Applicant respectfully disagrees.

The technology disclosed in Howard was summarized above. Ferchau et al. discloses a method for validating the integrity of a data file. When a data file loaded on

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computing device 104 requires verification, a portable cryptographic device 102 interacts with a security program 106 on the computing device 104 to provide secure integrity validation of the data file. The portable cryptographic device 102 stores and provides a unique encryption key, which is used to calculate a software verification value that validates the integrity of the data file. As explained in paragraphs [0055]-[0056], the portable cryptographic device 102 can export the encryption key, via the computing device 104, to a network attached cryptographic device 110,. The security program 106 sends the data file and the corresponding software verification value over a connection 112 to the network attached cryptographic device 110. The network attached cryptographic device 110 computes a software verification value using the encryption key received from the portable encryption device 102. The newly computed software verification value is compared to the software verification value received from the security program 106. The network attached cryptographic device 110 then sends the comparison results to the security program 106. Finally, the security program 106 takes the appropriate action depending on the received comparison results.

The rejection of Claim 10 cannot be properly maintained for at least the following reasons. First, neither Howard nor Ferchau et al., whether considered individually or in combination, teach or suggest "determin[ing] a first key value" "using an input electronic ID of a wireless network card." Despite what is asserted in the Office Action, the encryption key stored on the portable cryptographic device 102 in Ferchau et al. is <u>not</u> an

"electronic ID of a wireless network card." The encryption key relates only to a single data file, and does not identify a "wireless network card".

Claim 10 also recites how "at the portable data device" a "calculated ID value" is calculated" and "compar[ed] to the electronic ID of the wireless network card." Despite what is asserted in the Office Action, paragraph [0056] of Ferchau et al. does not teach or suggest comparing a calculated ID value to the electronic ID of a wireless network card. The software verification values relate to data files. There is not teaching or suggestion that they may also or alternatively identify a wireless network card, as Claim 10 requires.

For at least the foregoing reasons, Applicant respectfully believes that that the § 103 rejection of independent Claim 10 cannot be properly maintained. Applicant requests, therefore, that the rejection be withdrawn.

Claims 16 and 17 were also rejected for being obvious over Howard in view of Ferchau et al. Claims 16 and 17 both depend from independent Claim 10, which above Applicant explained appears to be an allowable base claim. Therefore, Claims 16 and 17 are also allowable for depending from an allowable base claim.

35 U.S.C. § 103(a) Claim Rejections – Claims 4-6, 8, 11-14, 18-21, 26 and 27

On pages 8-13 of the Office Action, Claims 4-6, 8, 11-14, 18-21, 26 and 27 were rejected under § 103(a) as allegedly being unpatentable over Howard in view of Chiles et al. and Ferchau et al. For the following reasons, Applicant respectfully disagrees.

First, Claims 4-6 and 8 depend from independent Claim 1; Claims 11-14 and 18-21 depend from independent Claim 10; and Claim 26 depends from independent Claim 22. Above, reasons were provided as to why the § 103 rejections of independent Claims 1, 10 and 22 could not be properly maintained, and consequently why independent Claims 1, 10 and 22 were allowable over the prior art of record. It follows that Claim 4-6 and 8, Claims 11-14 and 18-21, and Claim 26 derive patentability for depending from allowable base Claims 1, 10 and 22, respectively. As explained below, there are additional reasons as to why these rejected dependent claims are allowable over the alleged prior art.

First, regarding the rejection of Claim 4, Ferchau et al. does not teach or suggest calculating an ID value "if an upgrade value is provided by a user." Despite what is asserted in the Office Action, paragraph [0056] on page 5 of Ferchau et al. does not disclose such subject matter. Indeed, paragraph [0056] is completely silent, and has nothing to do with calculating an ID value if an upgrade key is provided by a user. No user input is discussed in paragraph [0056], and an "*upgrade* key value" is not taught or suggested.

Regarding the rejection of Claim 5, Applicant notes that Claim 5 depends from Claim 4. Accordingly, Claim 5 derives patentability for depending from Claim 4, which Applicant has just demonstrated is allowable over the cited prior art. Further, despite what is asserted in the Office Action, paragraph [0056] of Ferchau et al. does not teach or

suggest comparing a calculated ID value to "a unique electronic I.D. value stored in [a] wireless network card."

The rejection of Claim 6 is also not supported by the cited prior art. In the Office Action it is asserted that Ferchau et al. teaches or suggests enabling transmissions of a wireless network card based on results of a comparison of a calculated I.D. value to the "electronic I.D. value of the wireless network card." As described above, Ferchau et al. does not make such a comparison. The comparison of the calculated software verification value to the software verification value received from the security program 106 in Ferchau et al., does not entail a comparison of a calculated I.D. value to an "electronic I.D. value of [a] wireless network card." Furthermore, despite what is asserted in the Office Action, the results of the comparison operation in paragraph [0056] in Ferchau et al. are not used to enable transmissions, let alone transmissions from a portable computer to a wireless network card, as Claim 6 recites. The results of the comparison in Ferchau et al. are used simply to alert a user that the integrity of the associated data file may be compromised. They are not used to enable or disable transmission.

The rejection of Claim 11 is also not supported by the cited prior art. In the Office Action it is asserted that Chiles et al. teaches a "first key value" that is a "platform activator key." Applicant respectfully disagrees. The MAC address stored on the network adapter card in Chiles et al. is not a "platform activator key". The MAC address

is static and does not have a value that changes. Furthermore, there is nothing in Chiles et al. suggesting that the MAC address may operate as a "platform activator key".

Applicant also respectfully believes that the rejection of Claim 12 is also not supported by the cited prior art. Claim 12 claims a method in which the "platform discrimination indication" on the "wireless network card is modified." As discussed above in response to the rejection of independent Claim 1, and despite what is asserted in the Office Action, Chiles et al. does not disclose a "platform discrimination indication". As discussed above in response to the rejection of Claim 1, the MAC address provides no information concerning platform discrimination, e.g., whether a wireless network card may be used with a laptop or can only be used with a PDA. The MAC address merely identifies the associated network adapter card; it provides no indication concerning platform discrimination. Moreover, as understood by those of ordinary skill in the art, the MAC address in Chiles et al. is static, i.e., cannot be modified.

Regarding the rejection of Claim 13, Applicant notes that Claim 13 depends from Claim 12. Accordingly, Claim 13 derives patentability for depending from Claim 12, which Applicant has just demonstrated is allowable over the cited prior art. As explained above, the "platform discrimination indication" in the present claims cannot be equated with a MAC address. Further, despite what is asserted in the Office Action, step 270 in Figure 4 of Chiles et al. does not entail checking a platform discrimination device. As explained in column 9, lines 5-7 explains that step 270 in Chiles et al. is a decision block that determines whether a serial number entered by a user into a web page interface is

stored in a system data base. Clearly, this has nothing to do with checking a platform discrimination indication.

Regarding the rejection of Claim 14, Applicant notes that Claim 14 depends from Claims 12 and 13. Accordingly, Claim 14 derives patentability for the same reasons Claims 12 and 13 are allowable over the cite prior art. (See above.) Further, despite what is asserted in the Office Action, paragraph [0009] of Howard does not teach or suggest that "other type of portable data devices do not require a check of the platform discrimination indication before operation", while others do. Paragraph [0009] only describes a conventional WLAN system as typically including various types of portable devices with associated wireless NICs. There is absolutely no notion of portable devices that require (or do not require) the checking of a platform discrimination indication before operation.

The rejection of Claim 19 is also not supported by the cited prior art. In the Office Action it is asserted that step 260 of Figure 4 in Chiles et al. teaches how a "cell service provider is used to provide the first key value". Applicant respectfully disagrees. As explained in column 9, lines 3-4, step 260 entails a script file searching a database for a serial number. There is nothing in Chiles et al. teaching or suggesting that step 260 also has anything to do with providing a key value, let alone providing a key value using a "cell service provider".

The rejection of Claim 26 is also not supported by the cited prior art. None of the cited prior art teaches or suggests determining whether a calculated I.D. "matches the

electronic I.D. of [a] wireless network card", as Claim 26 recites. Despite what is asserted in the Office Action, comparison of the software verification values in Ferchau et al. does not involve a comparison of ID's, or IDs identifying a wireless network card. Additionally, as discussed above, none of the cited prior art teaches or suggests use of a "platform discrimination indication", or of modifying a platform discrimination indication "to allow [a] wireless network card to operate with [an] expanded set of portable data devices", as Claim 26 recites.

Independent Claim 27 was also rejected for being obvious over Howard in view of Chiles et al. and Ferchau et al. For the following reasons, Applicant respectfully disagrees.

First, despite what is asserted in the Office Action, column 3, lines 37-48 of Chiles et al. does not disclose "checking a wireless network card for platform discrimination indication". Column 3, lines 37-48 describe a method of retrieving and storing a MAC address in a network adapter card. It has nothing to do with checking a wireless network card for platform discrimination indication." Indeed, platform discrimination is not involved in Chiles et al.

Second, despite what is asserted in the Office Action, steps 270, 320 and 300 in Figure 4 of Chiles et al. do not teach "using platform discrimination indication to determine whether to enable data transfer using the wireless network card." Step 270 is a decision block that determines whether a serial number entered by a user and transmitted to a web server is present in a database. (See col. 9, lines 5-7 of Chiles et al.) Step 320

entails a user invoking an FTP server to download a MAC address file, after it is determined that the serial number checked for in step 270 is present in the database. (See col. 9, lines 10-16 of Chiles et al.). Step 300 entails displaying a web page reporting an error to the user if the serial number is not found in the database. These three steps in Figure 4 of Chiles et al., whether considered individually or together, determine or control the transmission enablement of the network adapter card in Chiles et al. In other words, the presence/absence of a serial number in the database, as determined by the method shown in Figure 4, does not effect or control whether the network adapter card can transmit or not transmit data. If the serial number is present, a MAC address file can be downloaded by a use, so that the MAC address can be stored on the network adapter card. If the serial number is not present in the database, an error message is generated and displayed to the user in a web page. However, there is no teaching in Chiles et al. that the transmission status (i.e., enabled or disabled) of the network adapter card is altered depending on the presence or absence of the serial number.

Third, none of the three identified steps in the Office Action involve use of a "platform discrimination indication". Chiles et al. is not concerned with different platforms. Indeed, there is absolutely no teaching or suggestion in Chiles et al., or any of the other cited references, of configuring a wireless network card for operation with different platforms.

35 U.S.C. § 103(a) Claim Rejection – Claim 15

On page 14 of the Office Action, Claim 15 was rejected under § 103(a) as

allegedly being unpatentable over Howard in view Ferchau et al., and further in view of

Alexander et al. For the following reasons, Applicant respectfully disagrees.

First, Claim 15 depends from independent Claim 10, and therefore derives

patentability for at least the same reasons Claim 10 does. (See above remarks concerning

the rejection of Claim 10.)

Second, despite what is asserted in the Office Action, Alexander et al. does not

teach charging fees "when [a] first device provides [a] first key value." Alexander et al.

discloses a method that allows a user to automatically order, unlock and pay for a vendor

software application via an automated telephony and/or Internet system. The user

requests access to a vendor software application. If access is not allowed, the user

transmits a computing device identifier identifying the computing device on which the

vendor software application is executing, a vendor software product distribution

identifier, and a vendor identifier to a server. Pricing data is provided to the user, and

payment for the vendor software is processed before access is granted thereto. After

payment processing, the server then transmits a password to the client based on the

identifiers. Thereafter, the user enters the password to gain access to and execute the

vendor software application to which access was previously denied.

In the Office Action, it is asserted that the "fees are charged when a user transmits

a computing device identifier". Applicant respectfully disagrees. As just summarized in

the previous paragraph, the "computing device identifier" in Alexander et al. functions only to identify the client that is requesting access to the vendor software application. No fees are triggered when the computing device identifier is provided by the user, as is asserted in the Office Action. Rather, only pricing data is sent to the user, who can then decide whether to pay or not pay for the application.

For at least the foregoing reasons, therefore, the § 103(a) rejection of Claim 15 as allegedly being unpatentable over Howard in view Ferchau et al. and Alexander et al., cannot be properly maintained.
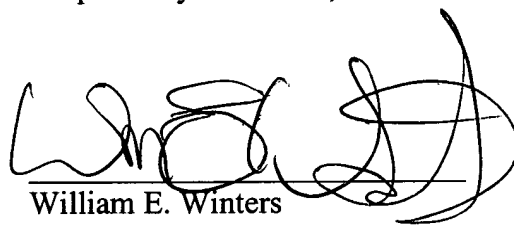
CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this

Application are in condition for allowance. The issuance of a formal Notice of

Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of

this application, please telephone the undersigned at 408-282-1857.

Respectfully submitted,

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